

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PRISCILLA PESQUIERA,

No. 1:20-cv-00911-BAM

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

ORDER REGARDING STAY OF ACTION

Defendant.

On June 24, 2020, Plaintiff Priscilla Pesquiera, proceeding through counsel, filed the complaint in this action seeking review of a decision of the Commissioner of Social Security. (Doc. No. 1.) On July 1, 2020, the Court granted Plaintiff's application to proceed *in forma pauperis*. (Doc. No. 4.) The Clerk of Court also notified the parties on July 1, 2020 that, pursuant to General Order Number 615, this action had been stayed pending further order of the Court. (Doc. No. 5.)

General Order Number 615 provides that the stay of civil matters involving the Commissioner is to be lifted on a rolling basis automatically in an individual case when either: i) the Commissioner files a proof of service showing that the certified administrative record has been served on Plaintiff; or ii) the Commissioner files the certified administrative record. Thus, to be effective, the General Order contemplates issuance of a summons and service of the complaint. The Court therefore finds it appropriate to temporarily lift the stay in this case in order to permit service of the summons and complaint on the Commissioner. The stay will be reinstated, as necessary, following service of the complaint.

Accordingly, it is HEREBY ORDERED that:

1 1. The stay of this action is lifted for the limited purpose of issuing summons and
2 serving the summons and complaint;

3 2. The Clerk of Court is directed to issue summons and new case documents,
4 including a Scheduling Order (Social Security Appeal), Order Re Consent or Request for
5 Reassignment, consent form, Instructions for Service of Social Security Appeals, Notice of
6 Submission of Documents in Social Security Appeal, and USM-285 form; and

7 3. The United States marshal shall serve a copy of the summons, complaint, and this
8 order upon the Commissioner as directed by Plaintiff. All costs of service shall be advanced by
9 the United States.

10 IT IS SO ORDERED.
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12 Dated: September 3, 2020

/s/ Barbara A. McAuliffe

13 UNITED STATES MAGISTRATE JUDGE

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